

Effective 1/24/2018

Part 2 Compulsory Education

53G-6-201 Definitions.

As used in this part:

- (1)
 - (a) "Absence" or "absent" means the failure of a school-age child assigned to a class or class period to attend a class or class period.
 - (b) "Absence" or "absent" does not mean multiple tardies used to calculate an absence for the sake of a truancy.
- (2) "Educational neglect" means the same as that term is defined in Section 80-1-102.
- (3) "Minor" means an individual who is under 18 years old.
- (4) "Parent" includes:
 - (a) a custodial parent of the minor;
 - (b) a legally appointed guardian of a minor; or
 - (c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (4)(a) or (b).
- (5) "School day" means the portion of a day that school is in session in which a school-age child is required to be in school for purposes of receiving instruction.
- (6) "School year" means the period of time designated by a local school board or charter school governing board as the school year for the school where the school-age child:
 - (a) is enrolled; or
 - (b) should be enrolled, if the school-age child is not enrolled in school.
- (7) "School-age child" means a minor who:
 - (a) is at least six years old but younger than 18 years old; and
 - (b) is not emancipated.
- (8)
 - (a) "Truant" means a condition in which a school-age child, without a valid excuse, and subject to Subsection (8)(b), is absent for at least:
 - (i) half of the school day; or
 - (ii) if the school-age child is enrolled in a learner verified program, as that term is defined by the state board, the relevant amount of time under the LEA's policy regarding the LEA's continuing enrollment measure as it relates to truancy.
 - (b) A school-age child may not be considered truant under this part more than one time during one day.
- (9) "Truant minor" means a school-age child who:
 - (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
 - (b) is truant.
- (10)
 - (a) "Valid excuse" means:
 - (i) an illness, which may be either mental or physical, regardless of whether the school-age child or parent provides documentation from a medical professional;
 - (ii) mental or behavioral health of the school-age child;
 - (iii) a family death;
 - (iv) an approved school activity;
 - (v) an absence permitted by a school-age child's:

- (A) individualized education program; or
 - (B) Section 504 accommodation plan;
 - (vi) an absence permitted in accordance with Subsection 53G-6-803(5); or
 - (vii) any other excuse established as valid by a local school board, charter school governing board, or school district.
- (b) "Valid excuse" does not mean a parent acknowledgment of an absence for a reason other than a reason described in Subsections (10)(a)(i) through (vi), unless specifically permitted by the local school board, charter school governing board, or school district under Subsection (10)(a)(vi).

Amended by Chapter 113, 2021 General Session

Amended by Chapter 261, 2021 General Session

Amended by Chapter 427, 2021 General Session

53G-6-202 Compulsory education.

- (1) As used in this section:
- (a) "Intentionally" means the same as that term is defined in Section 76-2-103.
 - (b) "Notice of compulsory education violation" means a notice issued in accordance with Subsections (3) and (4).
 - (c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which a notice of compulsory education violation is served and ending on the last day of the school year.
- (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age child shall enroll and send the school-age child to a public or regularly established private school.
- (3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may only issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is:
- (a) in grade 1 through 6; and
 - (b) truant at least five times during the school year.
- (4) A notice of compulsory education violation issued to a parent:
- (a) shall direct the parent to:
 - (i) meet with school authorities to discuss the school-age child's school attendance problems; and
 - (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child;
 - (b) shall designate the school authorities with whom the parent is required to meet;
 - (c) shall state that it is a class B misdemeanor for the parent to intentionally or without good cause:
 - (i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or
 - (ii) fail to prevent the school-age child from being truant five or more times during the remainder of the school year;
 - (d) shall be served on the parent by personal service or certified mail; and
 - (e) may not be issued unless the school-age child has been truant at least five times during the school year.
- (5) Except during the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent of a school-age child to intentionally or without good cause fail to

- enroll the school-age child in school, unless the school-age child is exempt from enrollment under Section 53G-6-204 or 53G-6-702.
- (6) Except during the period between March 17, 2021 and June 1, 2022, it is a class B misdemeanor for a parent of a school-age child who is in grade 1 through 6 to, after being served with a notice of compulsory education violation, intentionally or without good cause:
 - (a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or
 - (b) fail to prevent the school-age child from being truant five or more times during the remainder of the school year.
 - (7) Except during the period described in Subsections (5) and (6), a local school board, charter school governing board, or school district shall report violations of this section to the appropriate county or district attorney.
 - (8) Except during the period described in Subsections (5) and (6), if school personnel have reason to believe that, after a notice of compulsory education violation is issued, the parent has failed to make a good faith effort to ensure that the school-age child receives an appropriate education, the issuer of the compulsory education violation shall report to the Division of Child and Family Services:
 - (a) identifying information of the school-age child and the parent who received the notice of compulsory education violation;
 - (b) information regarding the longest number of consecutive school days the school-age child has been absent or truant from school and the percentage of school days the school-age child has been absent or truant during each relevant school term;
 - (c) whether the school-age child has made adequate educational progress;
 - (d) whether the requirements of Section 53G-6-206 have been met;
 - (e) whether the school-age child is two or more years behind the local public school's age group expectations in one or more basic skills; and
 - (f) whether the school-age child is receiving special education services or systematic remediation efforts.
 - (9) Notwithstanding this section, during the period described in Subsections (5) and (6), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of compulsory education.

Amended by Chapter 359, 2021 General Session
Revisor instructions Chapter 359, 2021 General Session

53G-6-203 Truancy -- Notice of truancy -- Failure to cooperate with school authorities.

- (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age child who is enrolled in a public school shall attend the public school in which the school-age child is enrolled.
- (2) In accordance with Section 53G-8-211, a local school board, charter school governing board, or school district may impose administrative penalties on a school-age child who is:
 - (a) in grade 7 or above, unless the school-age child is less than 12 years old; and
 - (b) truant.
- (3) A local school board or charter school governing board:
 - (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue a notice of truancy in accordance with Subsection (4); and

- (b) shall establish a procedure for a school-age child, or the school-age child's parents, to contest a notice of truancy.
- (4) A notice of truancy described in Subsection (3):
 - (a) may not be issued until a school-age child has been truant at least five times during the school year;
 - (b) may not be issued to a school-age child who is less than 12 years old or in a grade below grade 7;
 - (c) may not be issued to a school-age child exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;
 - (d) shall direct the school-age child who receives the notice of truancy and the parent of the school-age child to:
 - (i) meet with school authorities to discuss the school-age child's trancies; and
 - (ii) cooperate with the local school board, charter school governing board, or school district in securing regular attendance by the school-age child; and
 - (e) shall be mailed to, or served on, the school-age child's parent.
- (5)
 - (a) Except as provided in Subsection (5)(b), nothing in this part prohibits a local school board, charter school governing board, or school district from taking action to resolve a truancy problem with a school-age child who has been truant fewer than five times, provided that the action does not conflict with the requirements of this part.
 - (b) A local school board, charter school governing board, or school district may not take punitive action to resolve a truancy problem with a school-age child during the period described in Subsection (2).
- (6) Notwithstanding this section, during the period described in Subsection (2), a school administrator, designee of a school administrator, law enforcement officer acting as a school resource officer, or truancy specialist may not issue or otherwise enforce a notice of truancy.

Amended by Chapter 161, 2023 General Session

53G-6-204 School-age children exempt from school attendance.

- (1)
 - (a) A local school board or charter school governing board may excuse a school-age child from attendance for any of the following reasons:
 - (i) a school-age child over age 16 may receive a partial release from school to enter employment, or attend a trade school, if the school-age child has completed grade 8; or
 - (ii) on an annual basis, a school-age child may receive a full release from attending a public, regularly established private, or part-time school or class if:
 - (A) the school-age child has already completed the work required for graduation from high school;
 - (B) the school-age child is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;
 - (C) proper influences and adequate opportunities for education are provided in connection with the school-age child's employment; or
 - (D) the district superintendent or charter school governing board has determined that a school-age child over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

- (b) A school-age child receiving a partial release from school under Subsection (1)(a)(i) is required to attend:
 - (i) school part time as prescribed by the local school board or charter school governing board;
 - or
 - (ii) a home school part time.
 - (c) In each case, evidence of reasons for granting an exemption under Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.
 - (d) A local school board or charter school governing board that excuses a school-age child from attendance as provided by this Subsection (1) shall issue a certificate that the child is excused from attendance during the time specified on the certificate.
- (2)
- (a)
 - (i) As used in this Subsection (2)(a), "child abuse" means a criminal felony or attempted felony offense of which an individual is convicted, or to which an individual pleads guilty or no contest, for conduct that constitutes any of the following:
 - (A) child abuse under Section 76-5-109;
 - (B) aggravated child abuse under Section 76-5-109.2;
 - (C) child abandonment under Section 76-5-109.3;
 - (D) commission of domestic violence in the presence of a child under Section 76-5-114;
 - (E) child abuse homicide under Section 76-5-208;
 - (F) child kidnapping under Section 76-5-301.1;
 - (G) human trafficking of a child under Section 76-5-308.5;
 - (H) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, or in Title 76, Chapter 5b, Part 2, Sexual Exploitation, if the victim is under 18 years old;
 - (I) sexual exploitation of a minor under Section 76-5b-201;
 - (J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or
 - (K) an offense in another state that, if committed in this state, would constitute an offense described in this Subsection (2)(a)(i).
 - (ii) Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a school-age child from attendance, if the school-age child's parent or legal guardian files a signed and notarized affidavit with the school-age child's school district of residence, as defined in Section 53G-6-302, that:
 - (A) the school-age child will attend a home school; and
 - (B) the parent or legal guardian assumes sole responsibility for the education of the school-age child, except to the extent the school-age child is dual enrolled in a public school as provided in Section 53G-6-702.
 - (iii) If a parent or legal guardian has been convicted of child abuse or if a court of competent jurisdiction has made a substantiated finding of child abuse against the parent or legal guardian:
 - (A) the parent or legal guardian may not assume responsibility for the education of a school-age child under Subsection (2)(a)(ii); and
 - (B) the local school board may not accept the affidavit described in Subsection (2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age child from attendance under Subsection (2)(a)(ii) in relation to the parent's or legal guardian's intent to home school the child.
 - (iv) Nothing in this Subsection (2)(a) affects the ability of another of a child's parents or legal guardians who is not prohibited under Subsection (2)(a)(iii) to file the affidavit described in Subsection (2)(a)(ii).

- (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall remain in effect as long as:
 - (i) the school-age child attends a home school;
 - (ii) the school district where the affidavit was filed remains the school-age child's district of residence; and
 - (iii) the parent or legal guardian who filed the signed and notarized affidavit has not been convicted of child abuse or been the subject of a substantiated finding of child abuse by a court of competent jurisdiction.
- (c) A parent or legal guardian of a school-age child who attends a home school is solely responsible for:
 - (i) the selection of instructional materials and textbooks;
 - (ii) the time, place, and method of instruction; and
 - (iii) the evaluation of the home school instruction.
- (d) A local school board may not:
 - (i) require a parent or legal guardian of a school-age child who attends a home school to maintain records of instruction or attendance;
 - (ii) require credentials for individuals providing home school instruction;
 - (iii) inspect home school facilities; or
 - (iv) require standardized or other testing of home school students.
- (e) Upon the request of a parent or legal guardian, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent or legal guardian in achieving college and career readiness through home schooling.
- (f) A local school board that excuses a school-age child from attendance under this Subsection (2) shall annually issue a certificate stating that the school-age child is excused from attendance for the specified school year.
- (g) A local school board shall issue a certificate excusing a school-age child from attendance:
 - (i) within 30 days after receipt of a signed and notarized affidavit filed by the school-age child's parent or legal guardian under this Subsection (2); and
 - (ii) on or before August 1 each year thereafter unless:
 - (A) the school-age child enrolls in a school within the school district;
 - (B) the school-age child's parent or legal guardian notifies the school district that the school-age child no longer attends a home school; or
 - (C) the school-age child's parent or legal guardian notifies the school district that the school-age child's school district of residence has changed.
- (3) A parent or legal guardian who is eligible to file and files a signed and notarized affidavit under Subsection (2)(a) is exempt from the application of Subsections 53G-6-202(2), (5), and (6).
- (4)
 - (a) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent or legal guardian of a child attending a home school.
 - (b) The exemptions in this section apply regardless of whether:
 - (i) a parent or legal guardian provides education instruction to the parent's or legal guardian's child alone or in cooperation with other parents or legal guardians similarly exempted under this section; or
 - (ii) the parent or legal guardian makes payment for educational services the parent's or legal guardian's child receives.

Amended by Chapter 162, 2023 General Session

53G-6-205 Approval absences.

- (1) In determining whether to preapprove an extended absence of a school-age child as a valid excuse, a local school board, charter school governing board, or school district shall approve the absence if the local school board, charter school governing board, or school district determines that the extended absence will not adversely impact the school-age child's education.
- (2) A local school board, charter school governing board, or school district may not require documentation from a medical professional to substantiate a valid excuse that is a mental or physical illness.

Amended by Chapter 113, 2021 General Session

53G-6-206 Duties of a local school board, charter school governing board, or school district in promoting regular attendance -- Parental involvement -- Liability not imposed -- Report to state board.

- (1)
 - (a) As used in this section, "intervention" means a series of non-punitive and increasingly frequent and individualized activities that are designed to:
 - (i) create a trusting relationship between teachers, students, and parents;
 - (ii) improve attendance;
 - (iii) improve academic outcomes; and
 - (iv) reduce negative behavior referrals.
 - (b) "Intervention" includes:
 - (i) mentorship programs;
 - (ii) family connection to community resources;
 - (iii) academic support through small group or individualized tutoring or similar methods; and
 - (iv) teaching executive function skills, including:
 - (A) planning;
 - (B) goal setting;
 - (C) understanding and following multi-step directions; and
 - (D) self-regulation.
- (2)
 - (a) Subject to Subsection (2)(b), a local school board, charter school governing board, or school district shall make efforts to promote regular attendance and resolve school absenteeism and truancy issues for each school-age child who is, or should be, enrolled in the school district or charter school.
 - (b) A school-age child exempt from school attendance under Section 53G-6-204 or 53G-6-702, or a school-age child who is enrolled in a regularly established private school or part-time school, is not considered to be a school-age child who is or should be enrolled in a school district or charter school under Subsection (2)(a).
- (3) The efforts described in Subsection (2) shall include, as reasonably feasible:
 - (a) counseling of the school-age child by school authorities;
 - (b)
 - (i) issuing a notice of truancy to the school-age child in accordance with Section 53G-6-203; or
 - (ii) issuing a notice of compulsory education violation to the school-age child's parent in accordance with Section 53G-6-202;

- (c) making any necessary adjustment to the curriculum and schedule to meet special needs of the school-age child;
 - (d) considering alternatives proposed by the school-age child's parent;
 - (e) monitoring school attendance of the school-age child;
 - (f) voluntary participation in truancy mediation, if available; and
 - (g) providing the school-age child's parent, upon request, with a list of resources available to assist the parent in resolving the school-age child's attendance problems.
- (4) In addition to the efforts described in Subsection (3), the local school board, charter school governing board, or school district may enlist the assistance of community and law enforcement agencies and organizations for early intervention services as appropriate and reasonably feasible in accordance with Section 53G-8-211.
- (5) This section does not impose civil liability on boards of education, local school boards, charter school governing boards, school districts, or their employees.
- (6) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 53G-6-210.
- (7) Each LEA shall annually report the following data separately to the state board:
- (a) absences with a valid excuse; and
 - (b) absences without a valid excuse.

Amended by Chapter 93, 2023 General Session

53G-6-207 Truancy specialists.

A local school board or charter school governing board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the state board.

Amended by Chapter 293, 2019 General Session

53G-6-208 Taking custody of a person believed to be a truant minor -- Disposition -- Reports -- Immunity from liability.

- (1) Except during the period between March 17, 2021, and June 1, 2022, a peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.
- (2) An individual taking a presumed truant minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:
- (a) the principal of the minor's school;
 - (b) a person who has been designated by the local school board or charter school governing board to receive and return the minor to school; or
 - (c) a truancy center established under Subsection (5).
- (3) If the minor described in Subsection (2) refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.
- (4) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to accept custody and none of the options in Subsection (2) are available, the minor shall be referred to the Division of Child and Family Services.
- (5)
- (a)

- (i) A local school board or charter school governing board, singly or jointly with another school board, may establish or designate truancy centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors.
- (ii) Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.
- (b)
 - (i) If the parents of a truant minor in custody cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to ensure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services.
 - (ii) A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.
- (6)
 - (a) An individual taking action under this section shall report the action to the appropriate school district.
 - (b) The district described in Subsection (6)(a) shall promptly notify the minor's parents of the action taken.
- (7) The Utah Governmental Immunity Act applies to all actions taken under this section.
- (8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with Title 80, Chapter 2, Child Welfare Services, Title 80, Chapter 2a, Removal and Protective Custody of a Child, and Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings.

Amended by Chapter 335, 2022 General Session

53G-6-209 Truancy support centers.

- (1) A school district may establish one or more truancy support centers for:
 - (a) truant minors taken into custody under Section 53G-6-208; or
 - (b) students suspended or expelled from school.
- (2) A truancy support center shall provide services to the truant minor and the truant minor's family, including:
 - (a) assessments of the truant minor's needs and abilities;
 - (b) support for the parents and truant minor through counseling and community programs; and
 - (c) tutoring for the truant minor during the time spent at the center.
- (3) For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level.
- (4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent demonstrates that alternative arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.
- (5) The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents.

Amended by Chapter 293, 2019 General Session

53G-6-210 Educational neglect of a minor -- Procedures -- Defenses.

- (1) With regard to a minor who is the subject of a petition under Section 80-3-201 based on educational neglect:
 - (a) if allegations include failure of a minor to make adequate educational progress, the juvenile court shall permit demonstration of the minor's educational skills and abilities based upon any of the criteria used in granting school credit, in accordance with Section 53G-6-702;
 - (b) parental refusal to comply with actions taken by school authorities in violation of Section 53G-10-202, 53G-10-205, 53G-10-403, or 53G-10-203, does not constitute educational neglect;
 - (c) parental refusal to support efforts by a school to encourage a minor to act in accordance with any educational objective that focuses on the adoption or expression of a personal philosophy, attitude, or belief that is not reasonably necessary to maintain order and discipline in the school, prevent unreasonable endangerment of persons or property, or to maintain concepts of civility and propriety appropriate to a school setting, does not constitute educational neglect; and
 - (d) an allegation of educational neglect may not be sustained, based solely on a minor's absence from school, unless the minor has been absent from school or from any given class, without good cause, for more than 10 consecutive school days or more than 1/16 of the applicable school term.
- (2) A minor may not be considered to be educationally neglected, for purposes of this chapter:
 - (a) unless there is clear and convincing evidence that:
 - (i) the minor has failed to make adequate educational progress, and school officials have complied with the requirements of Section 53G-6-206; and
 - (ii) the minor is two or more years behind the local public school's age group expectations in one or more basic skills, and is not receiving special educational services or systematic remediation efforts designed to correct the problem;
 - (b) if the minor's parent or guardian establishes by a preponderance of the evidence that:
 - (i) school authorities have failed to comply with the requirements of this title;
 - (ii) the minor is being instructed at home in compliance with Section 53G-6-204;
 - (iii) there is documentation that the minor has demonstrated educational progress at a level commensurate with the minor's ability;
 - (iv) the parent, guardian, or other person in control of the minor has made a good faith effort to secure the minor's regular attendance in school;
 - (v) good cause or a valid excuse exists for the minor's absence from school;
 - (vi) the minor is not required to attend school under court order or is exempt under other applicable state or federal law;
 - (vii) the minor has performed above the twenty-fifth percentile of the local public school's age group expectations in all basic skills, as measured by a standardized academic achievement test administered by the school district where the minor resides; or
 - (viii) the parent or guardian presented a reasonable alternative curriculum to required school curriculum, in accordance with Section 53G-10-205 or 53G-10-403, and the alternative curriculum was rejected by the school district, but the parents have implemented the alternative curriculum; or
 - (c) if the minor is attending school on a regular basis.

Renumbered and Amended by Chapter 261, 2021 General Session

53G-6-211 Proceedings arising from failure to attend public school.

- (1)
 - (a) When a proceeding under Title 80, Chapter 3, Abuse, Neglect, and Dependency Proceedings, arises from a minor's failure to attend public school based upon the assertion of a constitutional or statutory right or duty, raised either by the minor, or by the minor's parent, guardian, or custodian, the juvenile court shall hear the petition and resolve the issues associated with the asserted constitutional or statutory claims within 15 days after the day on which the petition is filed.
 - (b) The parties may waive the time limitation described in this subsection.
- (2) Absent an emergency situation or other exigent circumstances, the juvenile court may not enter any order changing the educational status of the minor that existed at the time the petition was filed, until the hearing described in Subsection (1) is concluded.
- (3) A party proceeding under this section shall, insofar as it is possible, provide the juvenile court with factual stipulations and make all other efforts that are reasonably available to minimize the time required to hear the claims described in Subsection (1).

Renumbered and Amended by Chapter 261, 2021 General Session